
STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2014-45 **Legistar #:** 20140967

Board of Zoning Appeals Hearing: Monday, September 22, 2014 – 6:00 p.m.

Property Owner: Richard H. Pugmire
Pugmire Lincoln
1865 Cobb Parkway, South
Marietta, GA 30060

Address: 1865 Cobb Parkway, South

Land Lot: 07310 **District:** 17 **Parcel:** 0090

Council Ward: 7A

Existing Zoning: CRC (Community Retail Commercial).

Special Exception / Special Use / Variance(s) Requested:

1. Variance to allow for an extension for a temporary banner beyond the 60 day time frame allowed until construction is complete. [§714.01 (E)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



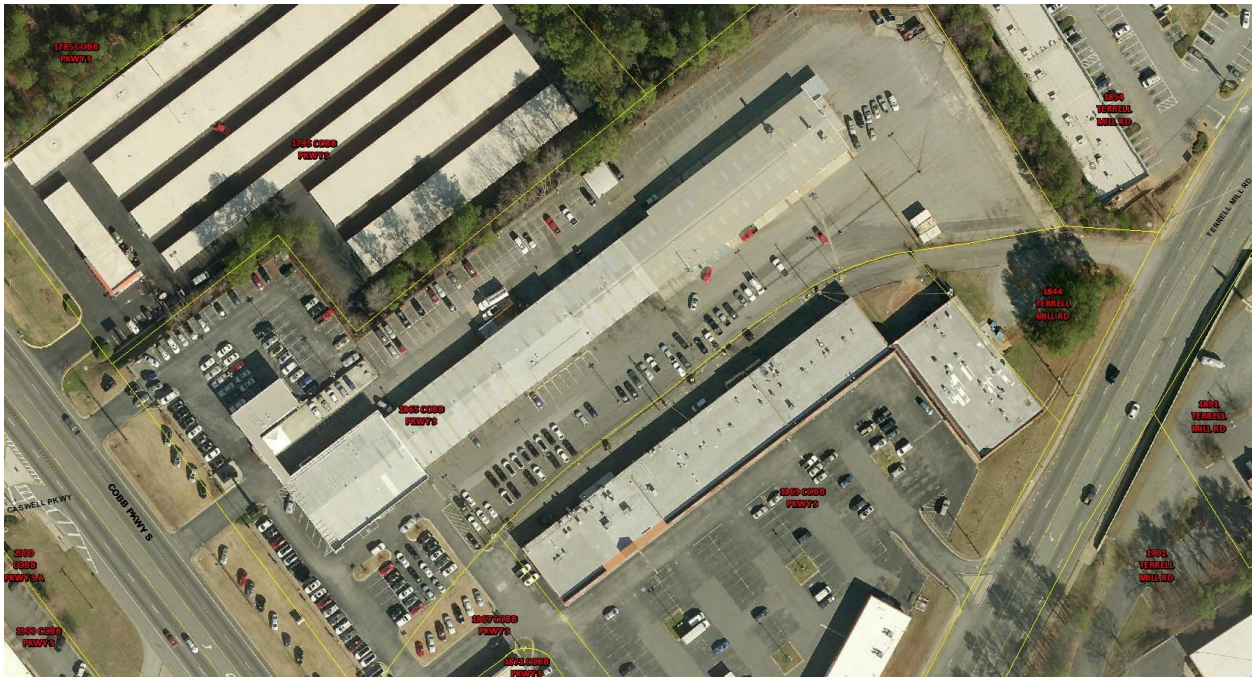
View of Temporary Banner at 1865 Cobb Pkwy South



View of Temporary Banner at 1865 Cobb Pkwy South



View of Temporary Banner at 1865 Cobb Pkwy South



Aerial view of 1865 Cobb Parkway South

Recommended Action:

Approval. The applicant, Richard Pugmire, is requesting a variance to allow for the extension of a temporary banner beyond the 60 day time frame allowed construction is complete. The subject property and all adjacent properties are zoned CRC (Community Retail Commercial). This property is located on Cobb Pkwy South, which is identified as an arterial (high capacity) thoroughfare located in the southeastern area of the City.

Pugmire Lincoln applied for and was approved for a 60 day temporary banner permit on June 18, 2014 (14-PZ-241). The banner (shown in pictures on the previous page) is approximately 10' X 13", and meets the requirements for temporary signs in the sign ordinance. The permit duration ran from June 23rd through August 23rd, 2014, but the sign has been allowed to remain in place pending the outcome of this variance request.

Pugmire Lincoln has a substantial construction and renovation project that is currently ongoing, and the project is anticipated to be completed on October 15, 2014. In addition, Mr. Pugmire has already submitted applications, and has received approval, for four wall signs that will be erected once construction is complete.

The sign ordinance states that temporary signs (banners) are allowed for a period not to exceed 30 consecutive days; and are further limited to 60 days annually at any location. Construction at the subject property is ongoing and will continue beyond the 60 day limitation provided by the regulations. During this time period, there will be a need to let potential customers know that the business is still open, **therefore staff recommends approval of the requested variance to allow the temporary banner until construction is complete.**